

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 185

## **HOUSE BILL 2226**

AN ACT

AMENDING SECTION 28-1601, ARIZONA REVISED STATUTES; RELATING TO CIVIL TRAFFIC VIOLATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-1601, Arizona Revised Statutes, is amended to  
3 read:

4 28-1601. Failure to pay civil penalty; suspension of privilege  
5 to drive; collection procedure

6 A. A person shall pay all civil penalties within thirty days from  
7 entry of judgment, except that if payment within thirty days will place an  
8 undue economic burden on a person, the court may extend the time for payment  
9 or may provide for installment payments. If the civil penalty is not paid or  
10 an installment payment is not made when due, the court may declare the entire  
11 civil penalty due and, if so, the court shall notify the department and the  
12 department shall promptly suspend the driver license or permit of the driver,  
13 the person's application or privilege to apply for a driver license or permit  
14 or the privilege of a nonresident to drive a motor vehicle in this state,  
15 until the civil penalty is paid.

16 B. Notwithstanding subsection A of this section, if a civil penalty is  
17 paid on entry of judgment, the court may reduce the civil penalty by up to  
18 five per cent of the penalty imposed.

19 C. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, THE COURT SHALL NOT  
20 INITIATE COLLECTION PROCEDURES ON AN UNPAID CIVIL PENALTY, NOTIFY THE  
21 DEPARTMENT TO SUSPEND A PERSON'S DRIVER LICENSE, PERMIT OR PRIVILEGE TO DRIVE  
22 A MOTOR VEHICLE IN THIS STATE OR NOTIFY THE DEPARTMENT TO REFUSE TO RENEW A  
23 VEHICLE REGISTRATION FOR AN UNPAID CIVIL TRAFFIC VIOLATION IF ALL OF THE  
24 FOLLOWING APPLY:

25 1. THE UNPAID CIVIL PENALTY IS FOR A TRAFFIC VIOLATION FOR WHICH THE  
26 FINAL DISPOSITION OCCURS MORE THAN THIRTY-SIX MONTHS BEFORE THE COURT  
27 INITIATES COLLECTION PROCEEDINGS.

28 2. THE COURT DOES NOT HAVE A PAPER OR ELECTRONIC RECORD DATED WITHIN  
29 THIRTY-SIX MONTHS AFTER THE TRAFFIC VIOLATION OCCURS INDICATING THAT THE  
30 RESPONSIBLE PERSON WAS NOTIFIED THAT THE CIVIL PENALTY IS UNPAID AND DUE.

31 3. THE COURT HAS NOT NOTIFIED THE DEPARTMENT TO SUSPEND THE  
32 RESPONSIBLE PERSON'S DRIVER LICENSE OR PERMIT OR PRIVILEGE TO DRIVE A MOTOR  
33 VEHICLE IN THIS STATE.

34 4. THE COURT HAS NOT NOTIFIED EITHER THE RESPONSIBLE PERSON OR THE  
35 DEPARTMENT ABOUT THE COURT'S REQUEST TO THE DEPARTMENT TO REFUSE TO RENEW THE  
36 RESPONSIBLE PERSON'S VEHICLE REGISTRATION PURSUANT TO ARTICLE 5 OF THIS  
37 CHAPTER.

38 5. THE COURT DOES NOT HAVE A RECORD OF EXTENDING THE TIME FOR PAYMENT  
39 OF THE CIVIL PENALTY OR PROVIDING FOR INSTALLMENT PAYMENTS.

40 D. IF THE COURT IS PROHIBITED FROM INITIATING COLLECTION PROCEDURES ON  
41 AN UNPAID CIVIL PENALTY, FROM NOTIFYING THE DEPARTMENT TO SUSPEND A PERSON'S  
42 DRIVER LICENSE, PERMIT OR PRIVILEGE TO DRIVE A MOTOR VEHICLE IN THIS STATE OR  
43 FROM NOTIFYING THE DEPARTMENT TO REFUSE TO RENEW A VEHICLE REGISTRATION,  
44 PURSUANT TO SUBSECTION C OF THIS SECTION, THE COURT SHALL NOTIFY THE

1 DEPARTMENT AND THE DEPARTMENT SHALL REMOVE THE VIOLATION FROM THE PERSON'S  
2 DRIVING RECORD.

3 ~~E.~~ E. With the approval of the supreme court, the presiding judge of  
4 any court may periodically conduct a program aimed at reducing the amount of  
5 outstanding fines, penalties and surcharges. Notwithstanding any other law,  
6 except a fine ordered as a result of a violation of section 28-1381 or  
7 28-1382, the program may include authorizing up to a fifty per cent reduction  
8 in the total amount of a court ordered fine, penalty or surcharge that is due  
9 and that is delinquent for at least twelve months followed by an increased  
10 enforcement effort for a fine, penalty or surcharge that is not paid. The  
11 supreme court shall adopt rules of procedure for the programs.

12 ~~D.~~ F. If penalties are reduced pursuant to subsection ~~E~~ E of this  
13 section, associated surcharges and assessments shall be reduced in proportion  
14 to the reduction. This subsection does not apply to section 12-116.

15 G. IF A PERSON PRESENTS REASONABLE EVIDENCE TO THE COURT THAT A CIVIL  
16 PENALTY AND ANY OTHER FEES, FINES OR SURCHARGES REQUIRED BY THE COURT HAVE  
17 BEEN PAID, THE COURT SHALL CEASE ITS COLLECTION ACTIVITIES FOR THAT CIVIL  
18 PENALTY AND ORDER THE DEPARTMENT TO IMMEDIATELY RESCIND ITS ACTIONS RELATED  
19 TO THE COURT'S ORDER OR REQUEST TO SUSPEND THE PERSON'S DRIVER LICENSE,  
20 PERMIT OR PRIVILEGE TO DRIVE PURSUANT TO SUBSECTION A OF THIS SECTION OR  
21 REFUSE TO RENEW THE PERSON'S VEHICLE REGISTRATION PURSUANT TO ARTICLE 5 OF  
22 THIS CHAPTER.

APPROVED BY THE GOVERNOR MAY 8, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2007.